

## **Exhibit B**

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JUNHONG LU, as Mother and Next Friend of  
SHEN HAOCHEN, a minor,

Plaintiff,

v.

THE BOEING COMPANY, a corporation,

Defendant.

No. \_\_\_\_\_

Removed from  
Circuit Court of Cook County,  
County Department, Law Division  
No. 2013 L 010404

**DECLARATION OF MICHELLE BERNSON IN SUPPORT OF  
THE BOEING COMPANY'S NOTICE OF REMOVAL**

I, Michelle Bernson, declare as follows:

**Introduction**

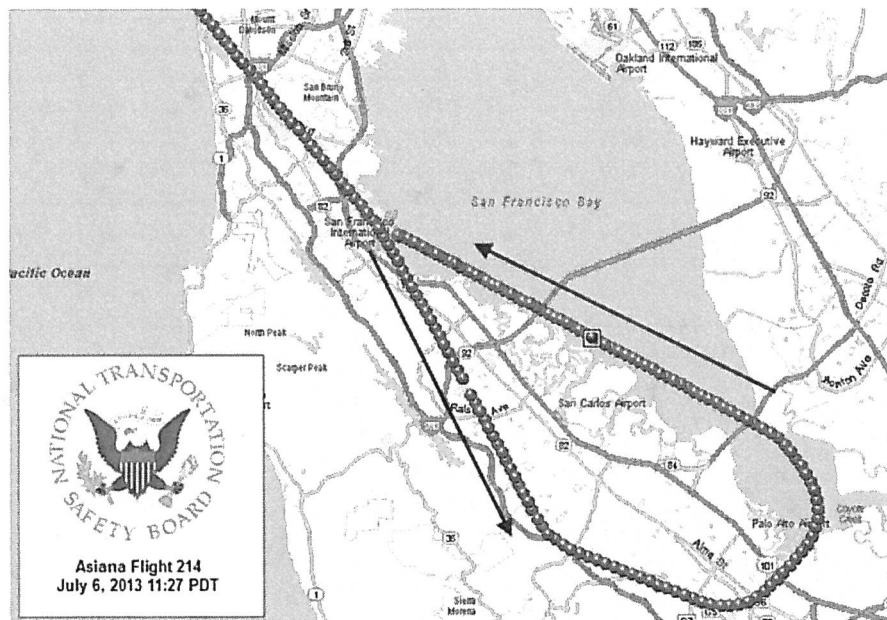
1. I am Chief Engineer, Air Safety Investigation for The Boeing Company ("Boeing"). I have held that position since January 2012. I have worked at Boeing for more than 16 years.
2. My job duties include assigning and supervising the activities of Boeing's Air Safety Investigation group investigators. The Air Safety Investigation group coordinates the technical support Boeing provides to the National Transportation Safety Board ("NTSB") during investigations of aviation accidents.
3. I have reviewed Plaintiff's complaint in this action. This declaration is offered in support of Boeing's notice of removal. I base this declaration on my personal knowledge and on information collected by other Boeing employees. I am competent to testify to my statements in this declaration and would testify about my statements if called to do so.

### **The Accident**

4. The following information regarding the accident and investigation is publicly available. Because Boeing is assisting the NTSB in the ongoing investigation, Boeing cannot disclose at this time non-public information on the progress and findings of the investigation without the NTSB's consent.

5. Boeing delivered the accident airplane, a Boeing 777-200ER, to Asiana Airlines on March 7, 2006. At 11:27 a.m. on July 6, 2013, the Boeing 777-200ER airplane, operated by Asiana Airlines as Flight 214, hit a seawall while attempting to land at San Francisco International Airport ("SFO").

6. Flight 214 took off from Seoul-Incheon Airport in South Korea. The flight lasted about 11 hours, almost all of which was over the Pacific Ocean. Flight 214's approach path to SFO is shown on the below map created by the NTSB.<sup>1</sup> After being routed to the southeast of SFO, at 11:21 a.m. Flight 214 was instructed to turn left to a heading of 310 and cleared for approach to runway 28L. As shown on the map, Flight 214's final approach leg was approximately 17 miles over San Francisco Bay.



<sup>1</sup> [http://www.nts.gov/investigations/2013/asiana214/photos/130710\\_1\\_Flight\\_Overview1.jpg](http://www.nts.gov/investigations/2013/asiana214/photos/130710_1_Flight_Overview1.jpg)

7. Plaintiff alleges that the flight crew's actions during the final approach leg and the airplane's response to those actions ultimately resulted in Flight 214 striking the seawall at the south end of runway 28L. Plaintiff alleges in her complaint that during the final approach to landing, "the air speed of the aircraft decreased below the selected and safe airspeed" because Boeing allegedly "Failed to provide [a] proper and effective low airspeed alerter system," "Failed to provide a proper and effective autothrottle system," "Failed to warn pilots to constantly monitor airspeed," and "Failed to provide proper and effective high angle of attack limiting and protection." All of these allegations relate to the flight crew's actions and the airplane's response to those actions while the airplane was on final approach over San Francisco Bay.

8. The airplane's main landing gear and aft fuselage ultimately hit the seawall that separates the displaced threshold (the area before the runway) from San Francisco Bay. Parts of the airplane fell into the water, parts of the airplane were broken off by the impact and scattered across the displaced threshold and runway, and parts of the airplane slid down the runway before coming to a stop in the adjacent grass.

9. All of SFO's runways were shut down for about four hours after the accident. Dozens of flights were diverted to other airports, including at least four international flights. Numerous other flights were delayed or cancelled.

#### **The NTSB Investigation**

10. The NTSB investigation began shortly after the accident and is ongoing. Boeing is supporting the NTSB investigation. The NTSB plans to release a final accident report by July 2014. As part of the investigation, NTSB Chairwoman Deborah Hersman gave daily media briefings from July 7 to July 11. During those briefings Chairwoman Hersman explained that the investigation team had analyzed and validated 220 of the 1,400 parameters recorded by the airplanes Flight Data Recorder ("FDR"). The data obtained from the FDR showed that during the final approach over San Francisco Bay, the engines and flight control surfaces responded to


the flight crew's control inputs. The data did not show any anomalous behavior from the autopilot or the autothrottle during the final approach or at any other time.

11. During the on-site portion of the investigation the NTSB sent divers to locate the pieces of the airplane that fell into San Francisco Bay. A SFO Rescue boat was used to support the divers. Chairwoman Hersman explained at a July 8, 2013 briefing that "the lower portion of the tail cone is in the rocks at the sea wall and there was a significant piece of the tail of this aircraft that was in the water. Our investigators have also documented additional aircraft parts that are visible when low tide occurred."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2013.

Respectfully submitted,

  
Michelle Bernson  
Chief Engineer, Air Safety Investigations  
The Boeing Company